

In re application of : Bogdan C. Maglich
App. No. : 09/883,851
Filed : June 18, 2001
For : METHOD AND APPARATUS
FOR NEUTRON MICROSCOPY
WITH STOICHIOMETRIC
IMAGING
Art Unit : 2878

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director, Special Laws Administration, Attention: Licensing and Review, United States Patent and Trademark Office, Washington, D.C. 20231, on

December 12, 2002

(Date)

Bruce S. Itchkawitz, Reg. No. 47,677

Director, Special Laws Administration
Attention: Licensing and Review
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Transmitted herewith in the above-identified application are the following:

- (X) Petition for Permit to Disclose or Modification of Secrecy Order Pursuant to 37 C.F.R. § 5.5 in duplicate.
- (X) Copy of Secrecy Order.
- (X) Two copies of Declaration of Thomas R. Pascoe.
- (X) Copy of International Publication No. WO 99/49311 (PCT Application PCT/US99/03491), published September 30, 1999.
- (X) Copy of Japanese Publication No. 507,746/2002 (Japanese Application No. 538,230/2000), published March 12, 2002.
- (X) Return prepaid postcard.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Bruce S. Itchkawitz
Registration No. 47,677
Attorney of Record
Customer No. 20,995
(949) 760-0404



RECEIVED
DEC 16 2002
USPTO MAIL CENTER

From:

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street, 14th Floor, Irvine, CA 92614

To:

Director, Special Laws Administration
Attention: Licensing and Review
U.S. Patent and Trademark Office
Washington, D.C. 20231

HIENER-ICPC/CP/BSI

HIENER, ICPC1CP S.N.
WK1BS1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,851	06/18/2001	Bogdan C. Maglich	HIENER.1CPC1CP	9955

20995 7590 10/18/2002

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Attn



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09-883,851	6-18-01	Maglich	

EXAMINER	
ART UNIT	PAPER NUMBER

MA:104
10-18-02

SECURITY ORDER RECEIPT

The Security Order under Title 35, United States Code (1952) Sections 181-188, dated _____, with permit in the above-identified application is hereby acknowledged.

(signature)

(date)

(city)

(state)

Return only the upper portion to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

TO THE APPLICANT ABOVE NAMED OR HIS OR HER HEIRS, AND ANY AND ALL ASSIGNEES AND ATTORNEYS OR AGENTS:

Enclosed is your copy of a Security Order under Title 35, United States Code (1952), Sections 181-188. In order that the record of service of this Order may be completed as soon as possible, you are respectfully requested to fill out and personally sign the receipt above and promptly return it to the Commissioner of Patents and Trademarks.

Please advise of any change of address.

Licensing and Review

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09-833,851	6-18-01	Maglich	

EXAMINER

ART UNIT

PAPER NO.

DATE MAILED: 10-18-02

SECURITY ORDER

35 U.S.C. §§181-188

and
Permit for Disclosing Classified or "Classifiable" Subject Matter

The above-identified patent application contains subject matter which is either **classified** or **"classifiable"**¹ in the opinion of the sponsoring defense agency.

☐ This application is **CLASSIFIED** at the level of: ☐ TOP SECRET

☒ This application is **NOT CLASSIFIED**,
but would be **CLASSIFIABLE** at the level of: ☒ SECRET

☐ CONFIDENTIAL

ALL PRINCIPALS² IN THIS APPLICATION ARE ORDERED TO KEEP THE SUBJECT MATTER THEREOF IN SECRECY UNDER 35 U.S.C. §181.

The subject matter of this application may not be published or disclosed to any person except as specifically authorized herein or subsequently authorized by written modification of this Secrecy Order granted by the Commissioner of Patents & Trademarks (see 37 CFR §5.5).

¹ The term "classifiable" as used herein refers to subject matter that is not actually classified but is sufficiently sensitive, in the opinion of the sponsoring defense agency named herein, to have been classified under E.O. 12356 if the subject matter were known to be owned by or under control of the U.S. government.

² "Principals" include all patent applicants, their heirs, assignees, licensees and their attorneys and agents.

Unauthorized publication or disclosure of the subject matter of this patent application may result in abandonment of the application (35 U.S.C. §182) and additionally subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. §186.

The subject matter of this application must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by a method that will prevent disclosure of the contents or reconstruction of the document.

Any other patent application already or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application also falls within the scope of this Order. If such other patent application is not currently under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter must be brought to the immediate attention of:

Director, Special Laws Administration
Attention: Licensing and Review
U.S. Patent and Trademark Office
Washington, D.C. 20231.

This Order should not be construed in any way to mean that the U.S. Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention. Additionally, this Order is not authority in and of itself for classification of the subject matter of this patent application.

This secrecy order has been recommended under 35 U.S.C. §181 to the Commissioner of Patents & Trademarks by the following sponsoring defense agency:

☒ ARMY

☐ NAVY

☐ AIR FORCE

Questions regarding the reasons for imposing this Secrecy Order should be directed to the sponsoring defense agency. A contact for each defense agency is attached. Questions regarding the substantive examination of the patent application should be directed to the patent examiner, and questions pertaining to the administrative handling of the patent application or the Secrecy Order should be directed to the Licensing and Review Branch of the Patent & Trademark Office.

Permit for Disclosing Classified or "Classifiable" Information

A. If the subject matter of this application is classified:

Disclosure of the subject matter of this application is authorized to persons with the appropriate personnel security clearance on a "need-to-know" basis under the provisions of Executive Orders 10865 and 12356 and the "Industrial Security Manual for Safeguarding

Classified Information" provided the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Order is applicable to the subject matter disclosed.

Any declassification, in whole or in part, of the subject matter of this application does not modify this Secrecy Order. The requirements of this Secrecy Order remain in effect until it is rescinded or modified in writing by the Commissioner of Patents & Trademarks. If the subject matter is declassified, this fact should be brought to the attention of the sponsoring defense agency.

B. If the subject matter of this application is "classifiable" but not classified:

Principals to this Secrecy Order employed at a facility which has a current DoD Security Agreement (DoD Form 441) are authorized to disclose on a "need-to-know" basis the subject matter of this patent application to other persons at that facility having a personnel security clearance at least as high as the level of protection specified on page 1 of this Secrecy Order provided the provisions of the "Industrial Security Manual for Safeguarding Classified Information" (DoD 5220.22-M) are complied with³ and the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Secrecy Order is applicable to the subject matter disclosed.

Principals employed at a facility that does not have a current DoD Security Agreement must obtain prior written modification of this Secrecy Order from the Commissioner of Patents & Trademarks for any further disclosure of the subject matter of this application to any person. See 37 CFR §5.5.

This permit for disclosing classified or "classifiable" information does not authorize disclosure of the subject matter of the patent application through (1) the filing of any foreign application without specific permission of the Patent and Trademark Office, or (2) the export of any item, commodity or technical data without the required export license.


Michael Carone
Licensing & Review Administrator
U.S. Patent & Trademark Office

³ Since the subject matter covered by this Secrecy Order is not actually classified, certain provisions of the Industrial Security Manual (ISM) may not strictly apply, such as derivative classification, downgrading/declassification instructions, and portion and page markings. Facilities encountering problems complying with any provisions of the ISM should directly query the defense agency sponsoring this Secrecy Order for appropriate security guidance.

DEFENSE AGENCY CONTACT LIST

ARMY:

ALLEN KLEIN
US ARMY PATENT, COPYRIGHTS & TRADEMARK DIVISION
OFFICE OF THE JUDGE ADVOCATE GENERAL
901 NORTH STUART ST.
ARLINGTON, VA 22203-1837
(703) 696-8113

NAVY:

MS INA GRIFFIN
OFFICE OF THE CHIEF OF NAVAL RESEARCH
INTELLECTUAL PROPERTY LAW DIVISION
ATTN: (OOC12)
800 NORTH QUINCY STREET
ARLINGTON, VA 22217-5000
(703) 696-4821

AIR FORCE:

TOM KUNDERT
AFMC LO/JAZ
2240 B-STREET, ROOM 100
WRIGHT-PATTERSON AFB, OH 45433-7109
(937) 255-2838

DTRA
(Defense Threat
Reduction Agency)

PETER SULLIVAN
400 ARMY NAVY DRIVE
SUITE 300
ARLINGTON, VA 22202
(703) 604-5215

D.O.E.
(Department of Energy)

U.S. DEPARTMENT OF ENERGY
OFFICE OF THE ASSISTANT GENERAL
COUNSEL FOR PATENTS (GS-42)
1000 INDEPENDENCE AVENUE, SW.
WASHINGTON, DC 20585